



## **PLANNING COMMISSION AGENDA**

### **Virtual Meeting at 7:00 P.M. on Tuesday, August 25, 2020**

To protect our residents, officials, and staff, and aligned with the Governor's executive order to Shelter-at-Home, this virtual meeting will be conducted utilizing teleconferencing means consistent with the State order allowing the public to address the local legislative body electronically. To register in advance to participate in this meeting: [https://us02web.zoom.us/webinar/register/WN\\_BNBFtdWuQSK630X3t0rRRA](https://us02web.zoom.us/webinar/register/WN_BNBFtdWuQSK630X3t0rRRA). After registering, you will receive a confirmation email containing information about joining the meeting.

**1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**

**2. ADMINISTRATIVE**

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Commissioner Bassam Altwal to report at the September 1, 2020 City Council meeting (alternate Commissioner Frank Gavidia).

**3. PUBLIC COMMENT**

**4. MINUTES**

- 4.a. Approval of minutes from the special Planning Commission meeting of May 25, 2020.

**5. PUBLIC HEARINGS**

- 5.a. **TUP-06-2020, Temporary Use Permit Time Extension, City of Clayton.** Time extension for outdoor dining, outdoor commercial uses, and outdoor assembly services until the COVID-19 pandemic restrictions have been removed.

**Staff Recommendation:** Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider all public testimony and, if determined to be appropriate, adopt a Resolution to extend the time allowed for outdoor dining, outdoor commercial uses, and outdoor assembly services until the COVID-19 pandemic restrictions have been removed.

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

8.a. Staff.

8.b. Commission.

**9. ADJOURNMENT**

9.a. The next regular meeting of the Planning Commission is scheduled for **Tuesday, September 8, 2020.**

**Minutes**  
**Clayton Planning Commission Special Meeting**  
**Wednesday, May 27, 2020**

**1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**

Chair Peter Cloven called the meeting to order at 7:00 p.m. using the web conferencing platform Zoom in accordance with the Governor's executive order to shelter-in-place and teleconferencing means to protect residents, officials, and staff during the Covid-19 pandemic.

Present: Chair Peter Cloven  
Vice Chair A.J. Chippero  
Commissioner Bassam Altwal  
Commissioner Terri Denslow  
Commissioner Frank Gavidia

Absent: None

Staff: Community Development Director Matthew Feske  
Assistant Planner Milan Sikela, Jr.

**2. ADMINISTRATIVE**

- 2.a. Review of agenda items.
- 2.b. Declaration of conflict of interest.
- 2.c. Vice Chair A.J. Chippero to report at the City Council meeting of June 2, 2020.

**3. PUBLIC COMMENT**

None.

**4. MINUTES**

- 4.a. Approval of the minutes for the April 28, 2020 Planning Commission meeting.

**Vice Chair Chippero moved and Commissioner Altwal seconded a motion to approve the minutes, as amended. The motion passed 4-0-1 (Abstain – Chair Cloven).**

**5. PUBLIC HEARINGS**

None.

## 6. OLD BUSINESS

None.

## 7. NEW BUSINESS

**GPA-01-20, City of Clayton.** Review of the Fiscal Year 2020-2021 Capital Improvement Program Projects for Conformity with the Clayton General Plan.

City Engineer Scott Alman presented the staff report.

Commissioner questions and comments included the following:

- The word “handicap” is no longer used. The correct term is “person with disability”. When referring to a ramp that provides improved access for a person with disability, the correct term is an American With Disabilities Act (ADA) ramp.
- Elaborate on Pine Hollow Road Upgrade. Mr. Alman explained that, as a result of Green Infrastructure, Stormwater C.3 requirements, other applicable State regulations, and concerns over the existing right-of-way width on Pine Hollow Road, the cities of Concord and Clayton have entered into a joint application for a complete streets study grant to create a coordinated complete streets improvement project. Both jurisdictions are working together to install new curb, gutters, and sidewalks along Pine Hollow Road as well as a complete streets design for bicycle traffic, green stormwater infrastructure, and a new Clayton entryway sign.
- Noticed the budget amount went up from \$599,477 to \$872,360 for the Pavement Preservation project. Mr. Alman explained that there were budget adjustment which set aside more Road Maintenance and Rehabilitation Account monies for the Pavement Preservation project.
- The \$1,039,660 total capital related expenditure figure appears less than the combined amount of all the estimated Capital Improvement Program (CIP) project costs.
- For the field rehabilitation project, it appears that half of the estimated completion cost will be un-funded. Mr. Alman indicated that certain CIP projects are funded from a combination of various funding source such as fees, grants, credits, and accumulated interest earnings while others remain on hold until funding becomes available.
- The utility underground project appears to be funded on annual allocations. Mr. Alman concurred and added that the City receives \$21,000 in fund credits per year from Pacific Gas and Electric in accordance with California Public Utilities Commission requirements. The \$103,660 amount includes a five-year credit advance that is available to the City to complete the project.
- At approximately \$1,000,000 per 300 feet, it is obviously very expensive to underground utilities. Mr. Alman concurred and indicated that was the impetus for the City to participate in the Rule 20A credit program.

Commissioner Gavidia moved and Vice Chair Chippero second a motion to find the City's Capital Improvement Program projects for the Fiscal Year 2020-2021 are in conformity with the Clayton General Plan and there is no possibility that this finding may have a significant effect on the environment. The motion passed 5-0.

**8. COMMUNICATIONS**

8.a. Staff – None.

8.b. Commission – None.

None.

**9. ADJOURNMENT**

9.a. The meeting was adjourned at 7:20 p.m. to the regularly-scheduled meeting of the Planning Commission on May 12, 2020.

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Submitted by  
Milan J. Sikela, Jr.  
Assistant Planner

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Approved by  
Peter Cloven  
Chair

## **PLANNING COMMISSION STAFF REPORT**

**Meeting Date:** August 25, 2020

**Item Number:** 5.a.

**Prepared by:** Milan J. Sikela, Jr.  
Assistant Planner

**Subject:** Time extension for outdoor dining, outdoor commercial uses, and outdoor assembly services until the COVID-19 pandemic restrictions have been removed.

**Applicant:** City of Clayton

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### **RECOMMENDATION**

It is recommended that the Planning Commission adopt a Resolution to extend the time allowed for outdoor dining, outdoor commercial uses, and outdoor assembly services until the COVID-19 pandemic restrictions have been removed.

### **DISCUSSION**

The city is experiencing the effects of the COVID-19 pandemic, especially the businesses (“establishments”) within the city boundaries. In attempts to assist our businesses to survive during this time, the city has issued Temporary Use Permits (TUP) for outdoor dining, outdoor commercial uses, and outdoor assembly services. However, the TUP has a time limitation of 45 days unless the Planning Commission grants a time extension for the TUP.

The time extension would not have a specific end date because it is not known when and if the COVID-19 pandemic restriction will be removed. The TUP end date would be determined by the removal of the COVID-19 pandemic restrictions.

If approved, the time extension would be for TUP 02-2020, TUP 03-2020, TUP 04-2020, and TUP 05-2020. The time extension would also be applied to any future approved Temporary Use Permits that would be submitted for outdoor dining, outdoor commercial uses, and outdoor assembly services.

### **ATTACHMENTS**

- A Planning Commission Resolution No. 01-2020
- B TUP-02-2020, TUP-03-2020, TUP-04-2020, and TUP-05-2020

**CITY OF CLAYTON  
PLANNING COMMISSION  
RESOLUTION NO. 01-2020**

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**A PLANNING COMMISSION RESOLUTION TO EXTEND THE TIME ALLOWED FOR OUTDOOR DINING, OUTDOOR  
COMMERCIAL USES, AND OUTDOOR ASSEMBLY SERVICES UNTIL THE COVID-19 PANDEMIC RESTRICTIONS  
HAVE BEEN REMOVED  
(TUP-06-2020)**

**WHEREAS**, the City wishes to provide establishments in Clayton the opportunity to operate at their best under current circumstances related to the COVID-19 pandemic restrictions by allowing certain Temporary Use Permits to be in effect until the COVID-19 pandemic restrictions are removed, thus allowing the establishments to operate under “normal conditions”; and

**WHEREAS**, proper notice of this public hearing was given in all respects as required by law; and

**WHEREAS**, on August 25, 2020, the Clayton Planning Commission held a duly-noticed public hearing on the matter, and received and considered testimony, both oral and documentary; and

**WHEREAS**, the Planning Commission has determined that the proposed time extension of certain Temporary Use Permits do not conflict with and are in general conformance with the City of Clayton General Plan.

**NOW, THEREFORE**, the Planning Commission of the City of Clayton resolves as follows:

**SECTION 1:** The above recitals are true, correct, and material to this Resolution.

**SECTION 2: FINDINGS**

1. The Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
2. The project is not subject to the California Environmental Quality Act (CEQA) because the project qualifies as a Class 4 categorical exemption under CEQA Guidelines Section 15304 “Minor Alterations to Land.”

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to: Minor temporary use of land having negligible or no permanent effects on the environment because the proposed use would be temporary for a period and would not involve any permanent alterations to the site.

3. That the establishment, maintenance, or operation of the temporary use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.

4. That the temporary use is consistent with the applicable provisions of the General Plan and other applicable laws of the City
5. The use is temporary and would not have permanent aesthetic impacts and any visual impacts would be negligible and would not adversely impact the surrounding commercial area and businesses.

**PASSED AND ADOPTED** at a meeting of the Planning Commission of the City of Clayton, California, held on the 25th day of August, 2020.

APPROVED:

ATTEST:

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Peter Cloven  
Chair

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Matthew Feske  
Community Development Director

Prepared By:

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Milan J. Sikela, Jr.  
Assistant Planner